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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,223	12/31/2003	Michael D. Hamerski	57920US002	6644
32692	7590	11/17/2004	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/750,223

Applicant(s)

HAMERSKI, MICHAEL D.

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3632

This is the first office action for application number 10/750,223, Magnetic-Adhesive Mounting Device, filed on December 31, 2003.

### ***Specification***

The use of the trademark POST-IT has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said planar magnet surface" bridging lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 has ambiguous claim terminology, it is not understood what is meant by the term "cup-like".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,897,288 to Fayling. Fayling discloses a first structure (10) comprising a permanent magnet (11) having a first magnet surface adapted to be positioned along a surface of a second structure (19) comprising a layer of ferrous or ferromagnetic material (Col. 4, line 44ff) so that one of the structures can be supported on the other structure by magnetic attraction, the first structure including a permanently affixed layer of removable pressure sensitive adhesive (12) having a surface parallel with the planar magnet surface positioned to releasably adhere to the surface of the second structure to thereby restrict slipping of the surfaces of the first structure and the second structure relative to each other; wherein the layer of removable pressure sensitive adhesive extends over the first magnet surface; wherein the layer of removable pressure sensitive adhesive has a surface coplanar with the first magnet surface; wherein the adhesive extends around a periphery of the first magnet surface; wherein the adhesive extends along one peripheral edge of the first magnet surface; wherein the first

Art Unit: 3632

structure is to be supported on the second structure and further comprises means (13) along a second surface of the permanent magnet opposite the first magnet surface for supporting a third structure on the first structure; and wherein the first structure is to be supported on the second structure and further comprises means along a second surface of the permanent magnet opposite the first magnet surface for forming a visual display.

Claims 1, 3, 6, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,683,520 to Sakai. Sakai discloses a first structure (1) comprising a permanent magnet (11) having a first magnet surface adapted to be positioned along a surface of a second structure (6) comprising a layer of ferrous or ferromagnetic material so that one of the structures can be supported on the other structure by magnetic attraction, the first structure including a permanently affixed layer of removable pressure sensitive adhesive (4) having a surface parallel with the planar magnet surface positioned to releasably adhere to the surface of the second structure to thereby restrict slipping of the surfaces of the first structure and the second structure relative to each other; wherein the layer of removable pressure sensitive adhesive has a surface coplanar with the first magnet surface; wherein the first structure is to be supported on the second structure and further comprises means (3) along the a second surface of the permanent magnet opposite the first magnet surface for supporting a third structure (2) on the first structure; wherein the first structure is to be supported on the second structure and further comprises means along a second surface of the permanent

Art Unit: 3632

magnet opposite the first magnet surface for forming a visual display; and a display item (2) along a second surface of the magnet opposite the first magnet surface.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,612,532 to Paulus in view of U.S. Patent 6,472,037 to Kane. Paulus discloses a first structure comprising a permanent magnet (30) having a first magnet surface adapted to be positioned along a surface of a second structure comprising a layer of ferrous or ferromagnetic material so that one of the structures can be supported on the other structure by magnetic attraction; wherein the first structure is to be supported on the second structure and further comprises a means along the second surface of the magnet opposite the first magnet surface for supporting a third structure on the first structure; and wherein the means for supporting a third structure on the first structure is a clamp (20).

Paulus discloses the claimed invention except for the limitation of an adhesive attached to the first structure. Kane teaches a first structure (10) having a permanent magnet (14) to be positioned along a surface of a second structure comprising a layer of ferrous or ferromagnetic material so that one of the structures can be supported on the

Art Unit: 3632

other structure by magnetic attraction, the first structure including a permanently affixed layer of removable pressure sensitive adhesive (30, 32) having a surface parallel with the planar magnet surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the first structure in Paulus to have included the structure as taught by Kane for the purpose of providing an alternative mechanically equivalent means for supporting a third structure on a second structure via a first structure having magnetic characteristics.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,030,135 to Carpenter

U.S. Patent 3,239,178 to Pompa

U.S. Patent 3,257,586 to Steingroever

U.S. Patent 3,365,684 to Stemke et al.

U.S. Patent 3,464,134 to Franklin

U.S. Patent 3,842,980 to Kushner

U.S. Patent 4,100,684 to Berger

U.S. Patent 4,211,382 to Bonfils

U.S. Patent 4,605,292 to McIntosh

U.S. Patent 4,875,654 to Chandonnet et al.

U.S. Patent 5,039,047 to Pitzo

U.S. Patent 5,507,464 to Hamerski et al.


U.S. Patent 6,749,165 to Immerman

The above patents all disclose various devices for supporting objects wherein the devices comprise adhesives or magnets or a combination of the two.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

November 10, 2004